

Frequently Asked Questions K-3 Class Size Reduction Program



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Questions and Answers

A. Districts and Eligibility

1. Must the CSR program be implemented on the first day of the school year?

There is nothing in the law that requires implementation of the program by a certain date. However, districts must begin their pupil enrollment counts for apportionment and audit purposes on the first day of school. This means that districts have a limited period of time during which a class can exceed 20 pupils without exceeding an average class size of 20.44 and jeopardizing the funding for that class. New classes may be started at any time during the school year. Begin the enrollment counts for new classes on the first day of instruction following the creation of the class.

2. Is the 20-to-1 ratio (20 pupils to 1 teacher) an *absolute* 20?

No. The intent of the law is to provide instruction in classes of 20:1 for the entire school year. The 20-to-1 ratio, however, is an *average* of the daily enrollment counts for each individual class, from the first day of instruction through April 15. As stated in the previous question, this means that the enrollment in a class can exceed 20 for limited periods of time, as long as the daily average through April 15 does not exceed 20.44.

3. Classes in my district are already at or below 20, and we do not currently participate in CSR. Do we need to reduce them even more in order to be eligible for CSR funding?

No. Your district need only submit an application to participate in the program and adhere to all other requirements (such as providing staff development). This means that districts (especially small ones) that have historically had smaller classes are eligible to receive funding without necessarily having to hire additional teachers or find additional classroom space.

4. In a school district, must all schools participating in the CSR program select the same grade levels for reduction?

No. Implementation of the CSR program is by school site, and which grade levels participate may be different for each site as long as the implementation priorities are met. At each school, grade 1 must be implemented first, followed by grade 2. Once all first and second grade classes at the school have been reduced, the classes in grade 3 *and/or* kindergarten may be reduced. It is not necessary to reduce all third grade classes before kindergarten, or vice versa. You may reduce as few or as many kindergarten or third grade classes as you'd like, and you may "mix and match" by reducing a portion of the third grade classes and a portion of the kindergarten classes.

5. Will a school district be obligated to maintain the reduced size classes it implemented in the prior year?

No. Each school district may implement as few or as many grade levels and classes at as few or as many schools as desired each year, as long as the grade level implementation priorities are met at each participating school site. The school district may also choose not to participate. Discontinuing all participation in any year would result in no CSR funding for that year. However, the district would be eligible to reapply the following year.

6. Are any provisions of the K-3 Class Size Reduction program subject to waiver?

No. *Education Code* Section 33050 (a)(13) prohibits general State Board of Education waivers for the K-3 CSR program. (The one exception is the one-year, renewable waiver for severely impacted multitrack year-round schools. See question 66.)

7. How will compliance with the Class Size Reduction program be monitored?

Education Code Section 52124.5 specifies that the State Controller is to include instructions in the audit guide appropriate to the implementation of CSR. (The most recent version of the audit guide may be found on the Education Audit Appeals Panel's web site at: <http://www.eaap.ca.gov/>) These instructions include procedures for determining if the average *daily* class enrollment exceeds 20.44 for each participating class, from the first day of school through April 15.

8. Is the enrollment count through "P-2" or April 15 (the actual day)?

The count is through April 15 itself. In the first year of the program (1996-97), the CSR count procedure was identical to that of the existing class size penalty procedure, e.g. counts were taken once a month at the end of each "school month" from the first month of school through the P-2 reporting period (the last full "school month" ending on or before April 15). However, the law was changed effective with the 1997-98 school year. The official count became an average of *daily* enrollment, rather than monthly, and the law cites April 15 as the ending date, rather than the P-2 reporting period.

9. Is there any other monitoring process related to the CSR Program?

Yes. The Coordinated Compliance Review for monitoring categorical programs and the Focused Monitoring Review for Special Education have responsibility for ensuring that schools provide equitable opportunities for all students, including special education students, English learners, and economically disadvantaged students. Districts and schools should carefully examine that smaller classes are not created which benefit some pupils at the expense of other pupils.

CDE also has in place a dispute resolution process, which covers complaints regarding the education of pupils with disabilities. CDE is committed to investigate and resolve such complaints, including those that raise issues

regarding any negative impact of CSR on the education of pupils with disabilities.

10. Is implementation of the CSR program subject to local bargaining agreements?

To the extent that the working conditions of certificated employees are affected, a district may need to consult with collective bargaining representatives prior to implementing or eliminating this program.

B. Schools and Eligibility

11. Are year-round schools, necessary small schools, and charter schools eligible for the CSR program?

Yes. Please note that the necessary small schools must be included in the district's J-7CSR in order to receive CSR funding, even though school districts are not required to include them on the regular J-7 "class size penalty" report. (See questions 17-18 for information regarding charter schools.)

12. Must all eligible schools in a district participate in the CSR program?

No. A district may implement the program in as few or as many schools as it chooses. However, it is very important to note that if the district receives federal Title I funds, selective implementation may result in audit exceptions to the "comparability" or "supplement, not supplant" provisions of Title I.

13. At a school site, must an entire grade level participate in the program?

No. One or more classes at a grade level in a school may participate. However, grade 1 must be fully implemented at a school site (using either Option One or Option Two -- or a combination) before grade 2 may be implemented, and grade 2 must be fully implemented before kindergarten and/or grade 3 may be implemented.

Once grades 1 and 2 have been fully implemented at a school site, it is not necessary to fully implement kindergarten before implementing grade 3 (or vice versa). You may choose to implement only a portion of the kindergarten classes and/or a portion of the third grade classes.

14. At a school site, would grade 2 be eligible if part of grade 1 participates under Option One and the rest of grade 1 participates under Option Two?

Yes. A grade level is considered to be fully implemented regardless of which option or combination of options is used, as long as the entire grade level is participating.

15. Would all pupils in a K-1 combination class of 20:1 be eligible for CSR funding?

Not necessarily, due to the statutory grade level implementation priorities. If all of the first and second grade pupils at that school site are in CSR classes, the entire class would be funded - otherwise, only the first graders in the K-1 combination class would be funded.

16. May class size in other K-3 classes not included in the program be increased to meet class size reduction?

While it's possible that this may happen, it's not encouraged. In addition, the CSR program in no way changes the existing state law governing class size maximums in kindergarten and grades one through eight (*Education Code* sections 41376 and 41378). The law requires the assessment of penalties - in the form of reductions in average daily attendance (a.d.a.) - for class sizes in excess of those permitted by law. The maximum class size in kindergarten is 33 for individual classes, but the district-wide average of all kindergarten classes may not exceed 31. The maximum class size in grades one through three is 32 for individual classes, with a district-wide maximum average of 30.

Therefore, districts have flexibility in adjusting class sizes of non-CSR classes only within the requirements of the existing class size penalties statutes.

C. Charter Schools and Eligibility

17. What is the mechanism by which charter schools apply for CSR funding - separately, or as part of their sponsoring district's application?

The K-3 CSR program is not part of the categorical block grant provided to charter schools. Therefore, "direct-funded" charter schools *must* submit their own application.

Charter schools that are not direct-funded may apply for CSR operations funding either directly or through their sponsoring district [Title 5, Section 15132(a)]. Permitting charter schools to apply for CSR operations program funding independent of their sponsoring district is consistent with the treatment of charter schools for other education program purposes.

A charter school that participates based on its own application and certifications cannot be included in the district's application and certifications [Title 5, Section 15132(b)]. In addition, a charter school that participates independent of the district must submit its own J-7CSR each Spring.

Each approach may have advantages and disadvantages. It is recommended that each locally funded charter school and its sponsoring district discuss which approach is most appropriate. If a charter school applies separately, CDE

requests that the charter school inform its sponsoring school district.

NOTE: Locally funded charter schools should *not* assume that their sponsoring district has included them in the district's CSR application! Please verify this well in advance of the application deadline, so that you may submit your own application, if necessary.

18. Are charter schools required to comply with all of the CSR program requirements?

Yes. Previously, charter schools were exempted from the requirement to hire "certificated teachers" and instead were allowed to hire any classroom teacher meeting the qualifications specified in the school's charter. However, legislation incorporated into *Education Code* Section 47605(l) now requires teachers in charter schools to hold certification equivalent to that which a teacher in other public schools would be required to hold. In addition, *Education Code* Section 52121.5 states, "...any reference to school districts shall be deemed to include charter schools."

D. Pupil Programs and Eligibility
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19. Are pupils with disabilities eligible for funding under this program?

Yes and no. Resource specialist pupils (RSP) are members of a general education class, must be counted in the 20-to-1 ratio, and are eligible for funding. Designated instruction and services (DIS) pupils are eligible and must be counted as long as they are enrolled in a regular day class for all or part of the school day. Special education pupils enrolled in special day classes (SDC) on a full-time basis are not eligible. Special day class pupils who are mainstreamed (or inclusion pupils) may or may not be counted, as determined by local policy.

If the policy is to include these pupils for class size reduction funding, they must also be included in the 20-to-1 count. If the policy is *not* to include these pupils for funding, they may be omitted from the 20-to-1 count.

Whatever policy is chosen must be applied consistently, and the district must ensure that these pupils are mainstreamed to the maximum extent appropriate to their needs, as determined by their IEP or Section 504 plan (see *Class Size Reduction Program, Selected Areas for Consideration Regarding Individuals with Disabilities* at <http://www.cde.ca.gov/ls/cs/k3/specialed.asp>).

20. May pupils with disabilities be moved from their classroom or have their educational programs altered in order for the school to implement smaller classes?

The implementation of CSR must not have an adverse impact on the education of pupils with disabilities. The educational program for a pupil with disabilities is determined by the Individualized Education Program (IEP) or Section 504 plan

specifically created for that pupil. Changes that may impact the educational program or the classrooms assigned to pupils with disabilities must not occur unless there is careful consideration of whether the change is consistent with the IEP or Section 504 plan in place for each pupil affected. In some instances, depending upon the nature of the change, an evaluation of the pupil and an IEP or Section 504 team meeting may be required prior to implementing the change. The school district must ensure that pupils with disabilities continue to receive an educational program (including facilities, class size, educational resources, and instructional staff) that is appropriate to their needs and is comparable to that provided to pupils who are not disabled. These accommodations must be considered and addressed when classroom changes are implemented at a school site.

21. May independent study and charter school home-study pupils be included in class size counts?

No. *Education Code* Section 52123(b) states:

"School districts may not claim funding... for any pupil who is enrolled in independent study... for the full regular school day nor... for any pupil for any portion of the full regular day that the pupil is enrolled in independent study... Charter schools may not claim funding... for any pupil who is enrolled in a program of home-study for the full regular school day nor... for any pupil for any portion of the full regular school day that the pupil is enrolled in a program of home-study."

22. How does the CSR program impact summer school?

The CSR program does not provide funding for summer school, and information about summer school should not be included on the application. To the extent that resources purchased with CSR funds can also be used to provide smaller classes in summer school, this is certainly permissible and encouraged.

23. May Title I funds be used to reduce class size?

Yes, but only in schools operating Schoolwide Programs (SWPs). It is important to note that schools operating a SWP must first establish comparability before Title I funds may be used for class size reduction. Making comparisons either on a district-wide or grade-span basis may do this.

The comparison is made between schools receiving Title I funds and those not receiving Title I funds. This comparison is done to determine a base level of funding for each school, which includes comparing the average number of pupils per instructional staff or the average staff salary per pupil.

Since comparability must be measured without consideration of Title I funds, it is very unlikely that a district would be able to reduce class sizes in a non-Title I school without a comparable reduction in all Title I schools. Therefore, if Title I SWP funds were used to reduce class size, it would be to further reduce class size to below 20-to-1.

- 24. If Title I funds in a Schoolwide Program school (that has an English learner program) are used to further reduce class size below what is provided with state funds, must all teachers meet the authorization requirements for serving English learners?**

Yes. All teachers who are expected to provide direct instruction to English learners (primary language instruction, English language development, and specially designed academic instruction in English) must hold the appropriate authorization or be fully engaged as teachers-in-training for the authorization.

- 25. May Title I maintenance of effort or comparability of services be waived to reduce class size?**

No. Federal legislation under Improving America's Schools Act (IASA) stipulates that districts may not waive comparability of services and maintenance of effort. The intent of the federal law is to ensure comparability of services so that each pupil in the district receives a quality educational program from qualified teachers. In addition, districts must maintain consistent educational efforts for Title I pupils from year to year.

E. Multitrack Year-Round Education Schools

- 26. Would a class at a multitrack, year-round (MTYRE) school site using the "Orchard Plan," or similar plans in which the teacher remains as pupils rotate, be eligible for CSR funding (e.g., 5 tracks per class, 5 pupils per track, same teacher teaches all 5 tracks, 25 pupils assigned to the teacher, only 4 tracks are on the school grounds at any one time)?**

Yes. This plan is acceptable as long as the participating classes maintain no more than 20 pupils per one certificated teacher meeting as a group at any one time, and the program meets all other requirements of Option One or Option Two.

F. Longer Day/Longer Year

- 27. If a district wants to continue the Longer Day and Year program and implement Option Two, what constitutes one-half of the instructional minutes offered per day? Is the base the minimum requirement per *Education Code* sections 46100-46190 (e.g., 230 minutes for grade 1), or the Longer Day and Year target per *Education Code* sections 46200-46206 (e.g. 280 minutes for grade 1)?**

"One-half of the instructional minutes offered" is based on the number of minutes actually offered which, at a minimum, would be the longer day and year target (280 minutes for this example). If a district had offered more minutes as a longer day and year minimum (for example, 300 minutes in grade 1 in 1982-83), it would

have been required to maintain this higher "minimum" as a condition of receiving Longer Day and Year funds. In this case, the "one-half" requirement would require at least 150 minutes in a class setting of 20 or fewer pupils per teacher. And, if a district chose to offer more than the minimum required by longer day and year, it would still have to ensure that at least half of these minutes were in a small group setting.

28. Is a district eligible to receive both longer day and year incentive funding for early-late classes and CSR funding if the reduced class size program utilizes the early-late configuration?

For Option One, *Education Code* sections 46205 and 52122(g) allow a district to utilize both the early-late longer day and year computation and to receive CSR funding, as long as the district was participating in the Longer Day and Year Incentive program under *Education Code* Section 46205 prior to July 1, 1996 and meets all other Longer Day and Year and Class Size Reduction requirements.

For Option Two, the longer day and year early-late computation may not be used in conjunction with reduced-size classes using an early-late program structure.

29. If a district has been receiving Longer Day and Year Incentive funds via early/late for a grade level, and it now wants to implement class size reduction instead of Longer Day and Year in only a portion of that grade level, does it lose Longer Day and Year funds for that entire grade level?

Yes. This question really relates more to the operation of the Longer Day and Year Incentives than it does to Class Size Reduction. Once a district has accepted Longer Day and Year Incentive funds, it is generally obligated to continue offering the increased instructional time. Failure to meet the instructional time targets in a class results in loss of the incentive funds for the entire grade level in a district.

G. Implementing Options One and Two
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30. What is a certificated teacher?

A certificated teacher is any teacher holding an authorization issued by the Commission on Teacher Credentialing (CTC) that permits the individual to legally provide instructional services. The CTC issues a variety of authorizations. These include the multiple and single subject credentials, university and district internship credentials, eminence credential, sojourn credential, emergency permits, and waivers. Waivers for CSR teachers are limited to individuals who have completed a teacher preparation program in California or hold a credential from another state or another country, but are unable to meet all credential requirements.

31. Is there any flexibility in the certification requirements for charter schools, special education teachers, and English learner teachers when implementing CSR?

No. The same requirements and any flexibility allowed by law are consistently applied to charter schools and the teachers of special student populations. Special education teachers and English learner teachers are still required to have the specialized authorization that comes from specific training to address the needs of these students. The appropriateness and school-wide comparability of special education teachers' credentials and qualifications must be aligned with those of regular education teachers.

32. Does Option One apply to the full instructional day?

Yes. As described in *Education Code* Section 52122(b)(2)(A), Option One shall be for the full regular school day, which means a "substantial majority" of the instructional minutes offered per day. A pupil/teacher ratio larger than 20-to-1 is permitted for limited periods of time, but these periods of time must be kept to a minimum and instruction in reading and math may NOT be delivered during these times. For example, it is permissible for groups larger than 20 to participate in a music, art or physical education class for short periods of time.

33. For purposes of Option Two, may a teacher assist in a classroom for half the instructional day although that teacher does not serve as the principal teacher for a specified group of pupils?

Yes. Although *Education Code* Section 52122(b)(2)(B) could be interpreted to exclude all settings for Option Two where a teacher is not the principal teacher for a designated group of pupils, Section 15130 of Title 5 provides the following clarifying language:

"For purposes of Option Two, as set forth in *Education Code* Section 52122(b)(2)(B), the reference to *Education Code* sections 41376 and 41378 shall be interpreted as permitting teachers, including kindergarten teachers, who are assisting in classrooms in which they are not the principal teachers, to be counted for purposes of determining class size to the extent they provide direct instructional services to pupils in reading and mathematics."

Because *Education Code* Section 46118(b) states that a kindergarten teacher can be assigned to only one session of kindergarten daily as a principal teacher, the language in Title 5, Section 15130 will be helpful to districts in their class size reduction efforts. With this language, an a.m. kindergarten teacher may assist in the p.m. kindergarten class (and vice versa) for half of the instructional minutes offered per day in order to reduce the pupil/teacher ratio for that time to 20-to-1 or less, and the district may receive funding under Option Two.

The emphasis under Option Two is that all pupils in the targeted classroom are working in groups of 20 or fewer with a teacher, for at least half of the instructional minutes offered per day and during the instruction of reading and mathematics. The assisting teacher does not have to be the teacher of record for any of the pupils in that class. Please remember that this applies to Option Two

only.

34. May Option Two be implemented using various groupings throughout the day?

Yes. There is no reason why Option Two must be limited to a specific model, such as "early/late," nor is there a requirement that the "reduced minutes" be consecutive. The key is to ensure that every child in the classroom receives at least one-half of his/her instruction in a reduced class setting of no more than 20 pupils per teacher and that the focus during this time be primarily on reading and math. If a class meets this test, then it is eligible for Option Two funding.

35. What are some examples of Option Two configurations?

Many districts that have a.m./p.m. kindergarten classes use Option 2 - especially when facilities are at a premium or they are unable to hire additional teachers (or both). For example, if a district has kindergarten classes with 30 pupils in each class, the p.m. teacher can assist the a.m. teacher for $\frac{1}{2}$ of the minutes in the morning, and the a.m. teacher can assist the p.m. teacher for $\frac{1}{2}$ of the minutes in the afternoon, bringing the ratio down to 15:1 in each class.

Option 2 may be implemented in a variety of other ways as well. For example, if a district had classes of 30 pupils (in any of grade K-3), it could employ one additional teacher to make six Option 2 classes of 20. It would do this by taking 10 pupils from each of two classes and sending them for reading and math instruction to the additional teacher for the first 50% of the instructional minutes. This would be repeated for the second 50% of the instructional minutes using 20 different pupils (10 each) from two additional classes. Another method is to place an additional teacher into one class of 30 for the first 50% of the minutes and into a different class of 30 for the last 50% of the minutes, resulting in four Option 2 classes.

Many districts are pursuing the option of using an "early bird, late bird" configuration, where half of the pupils in a class of 30 (for example), come in for the first 50% of their total instructional minutes and receive instruction in reading and math, then are joined by the remaining pupils for instruction in other subjects, and finally, the "early birds" leave for the day and the "late birds" receive their instruction in reading and math for the remainder of the day. **A word of caution about using this configuration:** pursuant to *Education Code* Section 52122(g), a district that uses an early/late program *and* that receives incentive funding for the Longer Day/Year program cannot *also* use the early /late program for its Option Two CSR classes.

36. My district has been operating Option One classes, but we may need to switch some of them to Option Two next year. Do we need a waiver?

No. A district or charter school must apply to participate in the CSR program each year. There is no maintenance of effort provision – simply indicate on your application what the district plans to implement for the year. (Please also note that the CSR program is specifically excluded from the General Waiver provisions.)

37. What considerations should be kept in mind as multi-age or combination classrooms are being developed?

In implementing class size reduction, some schools may consider establishing combination or multi-age classrooms to meet the 20-to-1 requirement. In such cases, thought should be given to (1) which children will be placed in these classrooms, (2) parent approval of their child's placement, (3) the criteria for selecting staff, (4) the curriculum that is offered to the children, (5) instructional materials needed, (6) the formal and informal assessments that will be used, and (7) professional development needs of teachers.

38. There are two classrooms, each with 30 pupils and one certificated teacher. If a third certificated teacher is provided to assist and spends half the instructional day with Class A and the remainder of the instructional day with Class B, do the 60 pupils qualify for funding under Option One?

No. Although 60 divided by three equals 20, the requirements for Option One are not met. However, if the third teacher is the primary instructor for 20 or fewer pupils in each of the two settings for half of the instructional minutes offered per day, and the instruction during that time is in reading and math, then the 60 pupils would qualify for Option Two funding.

39. Are both a.m. and p.m. kindergarten programs eligible to participate in the CSR program?

Yes. Both the a.m. class and the p.m. class are eligible to participate, as long as the school has already implemented CSR in grades 1 and 2.

For either kindergarten class to generate funding, there must be no more than 20 pupils per certificated teacher, and the other requirements for Option One or Option Two must be met.

40. May I claim Option One funding for my kindergarten class if it is only in session for half a day?

Yes. It is not necessary for kindergarten classes to be in session for the same length of time as classes in grades one through three in order to qualify for Option One funding.

If you are implementing a 20-to-1 situation with a certificated teacher for the full instructional day, the *length* of the day in comparison to other grade levels is irrelevant.

41. May I include instructional aides in my CSR program and class size computations?

No. Although you may use aides for other purposes in the classroom, the law requires that there be no more than 20 pupils per certificated teacher [*Education Code* Section 52123 (c)] for CSR purposes.

H. Staff Development

42. Is a professional development program required?

Yes. Districts are required to provide a staff development program. *Education Code* Section 52127(a) states:

"As a condition to receiving any apportionment pursuant to Section 52126, school districts shall have a staff development program that requires any certificated teacher who will provide direct instructional services for a class participating in the school district's Class Size Reduction program to receive the appropriate training necessary to maximize the educational advantages of smaller classes. This training shall include, but not be limited to, methods for providing each of the following:

- Individual instruction.
- Effective teaching, including classroom management, in smaller classes.
- Identifying and responding to pupil needs.
- Opportunities to build on the individual strengths of pupils."

The staff development mandates for CSR should not be viewed as a separate program, but rather as an integral part of a district's ongoing staff development program.

43. Must all CSR teachers receive training each year?

No. Although the law does not require CSR staff development training each year, it is a good idea to provide training on an on-going basis. Teachers new to the CSR program must receive the required staff development training, and that training should begin in the school year in which the teacher is first assigned to a CSR classroom.

I. Evaluation

44. Was the CSR program evaluated to determine its effectiveness?

Yes, *Education Code* Section 52128 required that an independent evaluation be completed no later than March 28, 2002.

CDE contracted for the statewide evaluation of the CSR Program through the American Institutes of Research (AIR) and the RAND Research Consortium. The evaluation has been released and can be viewed on the CSR Research Consortium Web site at www.classsize.org.

J. Application, Funding, and Reporting Enrollment

45. How is a district's allocation of funds calculated?

Barring significant delays in the passage of the annual Budget Act, an advance apportionment will be processed for all prior year applicants in August or September of each year. This apportionment will equal 25% of the amount computed using the actual enrollment counts submitted in the prior year (on the J-7CSR), multiplied by the per pupil amounts specified in the current year's Budget Act.

Once applications have been submitted each year, a provisional apportionment will be processed based on data submitted on the application. The application instructions specify how this apportionment is calculated.

For this initial application and funding calculation, statute requires the enrollment to be capped at the number of pupils reported on the prior year's CBEDS report. The Department will perform arithmetic and reasonability checks on the data that are submitted, and will reduce enrollment if necessary to stay within the CBEDS "cap."

The final adjustment to a district's allocation will be made according to actual enrollment counts submitted on the Report of Enrollment (J-7CSR form), to be submitted annually by the first Friday in May.

46. When can I expect to receive my apportionments?

Processing of the apportionments varies from year to year, and is dependent upon when the annual Budget Act is signed. If the budget is "on time" (in place on July 1), the Advance apportionment for prior year participants should go out by September, and the Provisional apportionment for current year applicants should go out by December. The Final apportionment should go out by July. A revised Final apportionment for those districts that submitted revised J-7CSR forms is processed in July of the following year.

47. Will I still need to report the classes participating in the CSR program on my regular J-7?

Yes. Report the classes as you normally would on the J-7— that is, kindergarten in Section A of the form and grades 1 through 3 (plus combination classes) in Section B of the form. Reduced-size classes should be reported on both the J-7 and the J-7CSR. In addition, certain districts and charter schools that are normally exempt from submitting the regular J-7 are required to submit the J-7CSR. These include the following CSR participants: (1) districts with fewer than 101 average daily attendance (a.d.a.); (2) districts with necessary small schools; and (3) charter schools that apply independent of their sponsoring districts.

48. Are districts assured of receiving their full operations allocation under this program?

Although the CSR program has been fully funded in most years, deficits have occurred several times. When a deficit occurs, CDE requests additional funding from the Legislature. In the past, the Legislature has approved CDE's request for additional funding for the CSR program, but there is no guarantee that this will always be the case.

49. Once a district receives operations funds, are there any restrictions on how they may be spent?

No. The *Education Code* does not specify any restrictions on the spending of CSR operations funding. However, the district is choosing to participate in the program, and loss of funding will occur if program requirements are not met.

50. Once the district receives funding, how long does it have to spend the funds?

Once sent to the school district, the funds are available to the district forever. Keep in mind, however, that if CSR is not implemented, the school district's Principal Apportionment will be reduced to recover the funds whether or not they've been spent by the school district.

51. If a school district participates at more than one grade level but the average enrollment in a first or second grade class goes above 20 pupils (to 21, for example), will the funds be lost for all classes?

No. Funding will only be lost for the class that exceeds 20. The *Education Code* requires the State Controller to recover funds paid for any *class* that exceeds the 20.4 maximum. It does not direct the Controller to recover funds for entire grade levels. Therefore, if a class in any grade exceeds 20, CSR funding will be lost for that class only. Funding will not be lost for any other qualified CSR classes, regardless of grade level.

There is one exception to this rule: if a district fails to follow the grade level implementation priorities, funding could be lost for one or more grade levels at a school. For example, if only one half of the first grade classes at a school were reduced – or the district kept an “overflow” class in first grade -- and the district claimed CSR funding for the second, third and kindergarten classes at that school, all funding could be lost except for the reduced first grade classes. However, if one or more first or second grade class(es) exceed(s) the 20.44 maximum by only one or two pupils, funding would be lost only for the class(es) in question.

52. If a school district submits an application identifying 18 pupils enrolled in an Option One class, and submits a J-7CSR enrollment report showing 19 average enrollment, will the district receive additional funding for the higher level since it is not more than 20?

Yes. Final funding for each fiscal year will be based on actual enrollment as reported on the J-7CSR submitted each May.

- 53. If a school district submits an application identifying 19 pupils enrolled in an Option One class, and submits a J-7CSR enrollment report showing 18 average enrollment, will the district's final funding be lowered?**

Yes. If the district's total entitlement based on actual enrollment counts is less than the amount paid based on the district's application at the beginning of the year, the difference will be offset by the State Controller against the district's next monthly Principal Apportionment payment.

- 54. If a school district participates at grade 1 and enrollment in one of the grade 1 classes exceeds 20 pupils for a period of time, would funds have to be repaid?**

Not necessarily. Funding would have to be repaid (for that class only) if the average enrollment in the class is greater than 20.44. The law requires that an average of daily enrollment counts from the first instructional day of school through April 15 be used. As an average, the enrollment figure for each class reported on the J-7CSR will reflect the fluctuations across however many days there are in a particular district's reporting period. As long as the average of the daily counts for a class does not exceed 20.44, the class will be funded.

- 55. Do the funds for the CSR program include a cost-of-living allowance?**

Yes – in "normal" years. *Education Code* Section 52126(e) states that the per pupil amounts for the program be increased annually for inflation. However, no cost-of-living allowance was provided for 2003-04, due to California's budget crisis. Fortunately, the 2003-04 school year was the exception, not the rule.

- 56. What is the reason for using prior year CBEDS data in applying for CSR operations funding?**

The law requires that "...pupil enrollment, as of October of the previous calendar year..." [*Education Code* Section 52123(b)] be used as the basis of the application for Class Size Reduction.

The intent is that these enrollment data be the data collected through the California Basic Educational Data System, otherwise known as CBEDS. The reason for requiring the use of CBEDS as a cap on the enrollment, even though the information will not be current, is to have a verifiable source of data to use in processing applications and to ensure that the amount of funds requested is reasonable.

It is important to note that the application is only a vehicle to start the flow of funds and that final funding will be based on the actual number of classes and pupils participating, as reported on the district's submission of the J-7CSR form. Regardless of the number of classes and pupils listed on the application, final funding will be made based on actual enrollment of pupils in eligible, participating classes averaging 20.44 or less.

- 57. For CSR operations funding, how are the prior year CBEDS enrollment data to be used in completing the application?**

The instructions in the Application for CSR program include a detailed

explanation of how to use CBEDS data in completing Page 2, Column 3. Please refer to these instructions.

A district will only need to use prior year CBEDS enrollment data if the projected number of participating pupils is greater than the number of pupils reported on the prior year's CBEDS report. In these cases, the prior year's CBEDS data will be considered a "cap" or "ceiling" in completing page 2, column 3 of the application. The total number of participating pupils may not be greater than the district's total number of pupils for the appropriate grade levels, as reported on the prior year CBEDS.

58. If a district is unsure of its CBEDS total enrollments by grade level, where are they available?

There are two sources for these grade level enrollments: (1) each Spring, a set of two CBEDS profiles is mailed to each district's CBEDS coordinator. Included is a report of school level and district wide enrollment by grade level; and (2) there is a file of CBEDS enrollments, by district, available on the Department's Web site at <http://data1.cde.ca.gov/dataquest/>.

59. How should participating classes be accounted for and reported on the J-7CSR?

Districts should track the daily enrollment count in each CSR class in order to determine the size of that class. Daily counts must begin on the first teaching day of the school year and continue through April 15. If a new class is created after the beginning of the school year in order to accommodate enrollment growth, counts for that class would begin on the first teaching day the class is in existence, and continue as above.

60. How can average daily enrollment be tracked at the district level for the auditors to check?

Most of the attendance accounting software programs available from private vendors include reports that will provide daily enrollment averages. In addition, daily enrollment counts may already be available at the school site for users of certain software programs. If software programs provide reports that track the rolling daily average for each class, those reports may be used for audit purposes. However, it's important to verify whether or not your software has the ability to exclude pupils ineligible for CSR funding, such as those who are on independent study or who are being home schooled.

If a district does not have a report that provides the rolling average (or doesn't use software at all), the auditor is required to randomly select classes to audit, and must then randomly select 15 days between the first day of school and April 15 and compute an average class size using the counts for those days. If the auditor concludes from the sample (based on his or her professional judgment) that the average class size for the entire reporting period exceeds 20.44, the auditor must perform a greatly expanded audit using the district's choice of one of the two methods described in *Education Code* Section 52124.5(a)(2)(A).

Please contact your software provider for further information regarding reports that may be available to assist you in tracking average daily enrollment. (Please

note that CDE does not require *or* endorse the use of one software package over another.)

61. Are 40 pupils eligible for Option One funding if they are in one classroom with two certificated teachers for the whole day?

It depends on the size of the classroom. For Option One only, each class of 20 is required to be in a separate, self-contained classroom *unless* the space which two or more classes share provides the same square footage per pupil as was provided at that grade level at that site in 1995-96. It is important to note that classroom size must also conform to local Fire Marshal requirements relating to space per person.

A "self-contained classroom" is defined by the California Department of Education as a single teaching station with an individual teacher. It is an educational area designed for the instruction of students. By design, it is spacious, functional, safe, well lighted and shaped for efficient instruction and supervision. It must be versatile and adaptable to an adopted course of study.

K. Facilities

62. Can I use CSR operations funds to pay for facilities?

There are no restrictions in the use of CSR operations funds. Although many school districts spend operations funding for teacher salaries, the funding may also be used for facilities purposes, or in any other way the district chooses.

63. If I add classrooms due to CSR, will these classrooms be included in my application for funding from the School Facilities Program administered by the Office of Public School Construction (OPSC)?

Yes. Unlike previous years in which new CSR classrooms were "invisible," all classrooms must be reported on a district's application for funding. However, K-6 classrooms are "loaded" at 25 students per classroom in the School Facilities Program in recognition of the smaller class sizes in grades K-3 (previous loading standards were 29 for grades K-3 and 33 for grades 4-6).

The 25 loading standard allows a district's eligibility for state construction assistance to include the current and future need for CSR classrooms.

For detailed information on how CSR classrooms may affect your district's eligibility in the School Facility Program, contact the OPSC project manager assigned to your county at (916) 445-3160.

64. If I put additional students on a multitrack year-round calendar, can I apply for additional Operational grants?

Yes. For additional information, contact Shannon Farrell-Hart at (916) 323-3923 or by e-mail at sfarrell@cde.ca.gov.

65. May districts apply for a MTYRE Operational Grant after the annual September deadline?

No. Applications for the MTYRE Operational Grants are due September 1 each year. Late applications will not be processed. For additional information, please contact Shannon Farrell-Hart at (916) 323-3923 or by e-mail at sfarrell@cde.ca.gov.

66. I am out of classroom space. What can I do to increase implementation of the CSR program in my district?

Districts should develop a facilities master plan that will aid the district in identifying facility solutions. A School Facilities Planning Division (SFPD) consultant can assist you in preparing a facilities master plan and identifying housing options for CSR.

Districts with limited classrooms should consider an Option Two (half-day) program for students not able to be accommodated in an Option One (full day) class, since Option Two does not require additional facilities. The name and contact information of the SFPD consultant serving your county is available at <http://www.cde.ca.gov/ls/fa/sf/fieldstaff.asp>.

67. How big should a CSR classroom be and what flexibility does the law allow in configuring classrooms under the CSR Program?

Education Code Section 52123(f) requires that "...each class reduced pursuant to this chapter is housed in either a separate, self-contained classroom or that the space of each such class for each grade level at that school site provides a square footage per pupil in each class that is not less than the average square footage per pupil enrolled in those grade levels at that school site in the 1995-96 school year" (emphasis added).

A "self-contained classroom" is defined by the California Department of Education as a single teaching station with an individual teacher. It is an educational area designed for the instruction of students. By design, it is spacious, functional, safe, well lighted, and shaped for efficient instruction and supervision. It must be versatile and adaptable to an adopted course of study.

It is the intent of the California Department of Education to not include the definition of a separate, "self-contained classroom" in either legislation or in regulation, and the above definition should be used by a district in assessing the district's compliance with *Education Code* Section 52123(f).

School districts are encouraged to review their educational programs and to work with their teachers to ensure that the size of the classroom supports, rather than restricts, the educational program (see also question 75).

68. If a district or school is completely out of space for additional classrooms but still wants to implement class size reduction using Option One, is there any flexibility?

Yes. *Education Code* Section 52122.6 allows districts with a minimum of 40

percent of enrollment in a MTYRE program to request a waiver of certain CSR provisions for schools with 200+ students per acre.

This waiver, if approved by the State Board of Education, will allow eligible schools flexibility in calculating the average of 20 students per classroom. Districts must prepare a plan that identifies how the district will provide the facilities necessary to no longer need the waiver.

In order to request this waiver, districts must submit the required plan at the same time as their operations application. The application for requesting this waiver is available on the CDE web site at:

<http://www.cde.ca.gov/ls/cs/k3/formsinst.asp>. For more information on this waiver, contact Fred Yeager at (916) 327-7148 or by e-mail at fyearer@cde.ca.gov.

69. May I displace my child development or other learning support space to implement more CSR classes?

Some districts may decide to displace educational programs currently housed in existing classrooms to accommodate the class size reduction effort. This, however, should be a short-term solution only. Childcare and development programs, after-school programs coordinated family services, and parent center activities contribute toward the same student achievement goals as class size reduction. Replacing one type of program with another may be counter-productive.

The Child Care Facilities Fund may have funding available for the lease-purchase of portable childcare facilities. These funds are for the expansion of current child development services or to replace facilities displaced by the CSR program. Applications are accepted on a continuous basis. For more information, please contact the Child Development Division.

70. Will the Division of State Architect (DSA) process relocatable applications in an expeditious manner, such as via an over-the-counter plan review?

DSA has a fast-track process whereby the architect schedules an appointment for an over-the-counter review of the plans and a checklist with DSA. Once the relocatable is installed, DSA may conduct an on-site inspection to establish that the project was completed as submitted. Basically, it is an architect self-certification process. For further information, contact the DSA office at (916) 445-8100 or at its Web site at

<http://www.dsa.dgs.ca.gov/ProjectSubmittalProcess/default.htm>

71. Do classrooms have to be accessible to individuals with disabilities?

Yes. Facilities used for class size reduction must meet the requirements of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act, as well as other California accessibility requirements.

72. Are there other requirements for special education classes?

Districts building new schools with special education classrooms must ensure that the special education classrooms are at least the same size as general education

classrooms, and are not isolated on a campus (California *Code of Regulations*, Title 5, 14030(g)(3)). These factors must also be considered when assigning special education classrooms in existing facilities.

Square footage and location on the campus are not the only factors to be considered when designing facilities or assigning pupils to classrooms. The specific needs of pupils, especially pupils with disabilities, must be considered to ensure equitable opportunities for all pupils. Schools must be able to meet the requirements of the IEP or Section 504 plan for each pupil with disabilities, regardless of school facilities issues. Facilities assigned to pupils with disabilities should be appropriate to meet the individualized needs of the disabled pupils in terms of placement and resources; comparable to those provided to pupils who are not disabled in terms of size, quality and features; and located in a manner that encourages integration with peers who are not disabled.

73. May we use Department of Housing (DOH) portables?

Yes, with certain time limitations. SB 708, (Chapter 320, Statutes of 1997), provides that any State Allocation Board (SAB) waiver of the Field Act for a portable school building in effect on September 29, 1997 was extended for three years, until September 30, 2000. The legislation in effect gave districts with DOH portables on waivers three more years to either upgrade or stop using the DOH portables. The buildings must have been upgraded according to specified standards in order to continue to use them until September 30, 2007. For additional information, see *Education Code* Section 17285.

74. Are there any California Environmental Quality Act (CEQA) issues?

If the number of pupils or the number of buildings at a site is increased, then CEQA should be considered. A categorical exemption may suffice if the number of added buildings is less than ten or if the capacity is being increased by less than 25 percent, whichever is less. In the CSR program, the number of pupils cannot be increased. Districts are encouraged to contact legal counsel with any questions regarding the CEQA requirements.

75. Does the area of a classroom matter any more? Since there are only 20 children, may I have 400-600 square foot rooms?

The area of a classroom still matters because if it is too small, the teacher may not be able to deliver the educational program necessary to take the best advantage of the lower class size. Additionally, there are safety considerations. The local Fire Marshal should be contacted to ensure that classrooms are not loaded in excess of Fire Marshal standards and that appropriate exiting is provided.

The California *Code of Regulations*, Title 5, Section 14030(g)(1), establishes standards for a new classroom area. Positive classroom climate can be impacted by the amount of square footage allocated to variables such as: handicap access, circulation, classroom organization, furniture type, computers, storage, and teacher and student work area. The educational program should drive classroom size.

The Title 5 reference relating to new classrooms reads:

g. Classrooms. Classrooms at new school sites shall have adequate space to perform the curriculum functions for the planned enrollment as described in the school district's facility master plan, specifically:

- (1) Classroom size standards:
 - (A) General classrooms, grades one through twelve are not less than 960 square feet. Classrooms proposed of less than 960 square feet require written justification to be submitted to and approved by the State Superintendent of Public Instruction. Adjacent instructional space shall be included in the calculation of square feet for purposes of approving classroom design.
 - (B) Proposed classrooms of less than 960 square feet have written justification consistent with the educational program and curriculum indicating that the district's education program can be delivered in the proposed size classrooms."

Elementary classrooms should be designed based on the following recommendation: "In the course of any given day, a student should move through a succession of work constellations designed by the teacher for whole class, individual, and small group settings." (*Elementary Makes the Grade!* CA Dept. of Education, 2000).

Districts should note that each CSR class is required to have its own separate, self-contained classroom or the space for each child should be at least the same as it was for that grade level at that site in 1995-96 (*Education Code* Section 52123(f)).

In other words, two classes with 40 children and two teachers could not be assigned to one standard 960-square-foot room (24 square feet per pupil) unless in 1995-96 the children were assigned to rooms that provided only 24 square feet per pupil.

76. Can emergency portables from the OPSC be used for class size reduction?

Yes. Districts that cannot qualify for emergency portables as a result of enrollment growth may request emergency portables based on the district's hiring of additional teachers. For additional information and the required forms for the State Relocatable Classroom Building Program, you may access the OPSC Web site at <http://www.opsc.dgs.ca.gov/default.htm>.